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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,747	04/01/2004	Mithra M.K.V. Sankrithi		7215

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EXAMINER	
KLEBE, GERALD B	
ART UNIT	PAPER NUMBER
3618	

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/814,747	SANKRITHI, MITHRA M.K.V.	
	Examiner	Art Unit	
	Gerald B. Klebe	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-81* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-81* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

GB Klebe
30 September 2005

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

EA

DETAILED ACTION

Election / Restriction

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I: Figs. 1-3 of a pogo-ski comprised of a gliding board to which are attached left and right side lower posts each connected to the board by lower post connecting means and further connected by upper post connecting means to respective left and right upper posts themselves connected by means of handhold connecting means to respective left and right handlebars and further having left and right foot supports slidably attached for vertical translational motion relative to the lower posts and to the board, wherein the foot supports are connected by means of a linking cable routed through left and right cable guides around a pulley affixed to an upper portion of the lower posts to allow the foot supports to undergo alternate up and down translational motion relative to each other and to the board.

Species II: Figs. 4-6 of a pogo-ski comprised of a downhill-type gliding board and having a single lower post with left and right fixedly attached foot supports and being telescopically connected by means of a quick release mechanism to an upper post having left and right handlebars.

Species III: Fig. 7 of a pogo-ski comprised of an upper post fixedly connected to a lower post and forwardly inclined from the lower post and having left and right foot supporting g plates with straps wherein the foot supports are supported from the board by compression coil springs and dampers between the respective left and right foot supports and the board, wherein the board has ski shovels at the forward and aft ends of the board.

Species IV: Fig. 8 of a pogo-ski comprised of a lower post attached to a ski-jumping-style board by means of a lower post connecting means and hingedly attached to an upper post, the upper post being connected to hand-hold connecting means and left and right handlebars and wherein left and right foot supports are hingedly attached and longitudinally attached to the lower post and are each supported on coil springs between the foot support and the board.

Species V: Fig. 9 of a pogo-ski comprised of a non-circular section lower post forming an elongated horizontal plate-like structure connected by a lower post connecting means having dampers and leaf springs to a gliding board having forward and aft shovels wherein the lower post is further fixedly connected to a forward-leaning upper post that has left and right extending handlebars.

Species VI: Fig. 10 of a pogo-ski comprised of a forward-leaning mounting of a lower post, upper post and handlebar connected to a ski-type gliding board having surface engaging edges on the bottom of the ski for producing a forward thrust in reaction to the aft forces inputted to the sliding surface by the user's backward force component and wherein the lower post is connected to the ski by a lower post connecting means providing a variable angle fitting means with resilient element between the lower post and the ski and wherein left and right foot supports are mounted on compression coil springs mounted between the foot plate and the lower post connecting means.

Species VII: Fig. 11 of a pogo-ski comprised of an upper post mounted behind the user and having a forward leaning hand-hold connected thereto wherein the lower post is connected vertically to the ski gliding board and has left and right foot supports fixedly mounted thereto.

Species VIII: Fig. 12 of a pogo-ski comprised of a short ski gliding board having forward and aft shovels and to which is mounted a lower post mounted to the board by a lower post connecting means comprising forward and aft lower post connectors that slidably engage the lower post with springs mounted between the lower post and the board and connected on its upper end to an upper post and hand-hold with left and right handlebars.

Species IX: Fig 13a of a pogo-ski comprised of a gliding board having mounted thereon left and right lower posts mounted to the board by lower post connecting means and connected at the upper ends with left and right upper posts having respective handholds and handlebars and to which lower posts are slidably mounted left and right foot supports, respectively, the left foot support being attached to the right foot support by a forward linking cable routed through cable guides and looped around a primary aft pulley and further being attached to the right foot support by an aft linking cable routed through cable guides and looped around a secondary aft pulley to allow the left and right foot supports to alternately slidably translate up and down on the left and right lower posts, respectively.

Species X: Fig. 13b of a pogo-ski comprised of a hexagonal cross-section lower post connected to a gliding board by means of a detachable connection fitting and telescopically connected to a hexagonal upper post by means of a post connecting means that has a locating bolt to provide height adjustment of the hand-hold and handlebars mounted to the upper post and further having left and right foot supports mounted with bungee cords, respectively, on tracks extending vertically along the left and right sides of the lower post to the lower post for slidable vertical upward and downward movement and provided with elastic force support for the foot supports by virtue of the connection with the bungee cords.

Species XI: Fig 13c of a pogo-ski comprised of a lower post mounted to a ski-type gliding board and to an upper post by means of an upper post connector, each of which is of a non-circular cross-section and wherein the upper post is connected to a handhold comprising a single horizontal bar supported by V-shaped struts extending upward from the upper post; the upper post having further connected thereto left and right foot supports connected to the post by means of left and right bungee cords, respectively.

Species XII: Fig. 14 of a pogo-ski comprised of a single lower posted connected to a wide-board gliding board having forward and aft shovels, and with upper post connecting means connecting left and right upper portions carrying, respectively left and right foot supports at the respective lower ends and a handhold connecting means at the upper end the handhold having connected thereto on left and right, handlebars which can fold to stowed positions in a configuration with reduced spacing between the left end of the left handlebar and the right end of the right handlebar.

Species XIII: Fig. 15 of a pogo-ski comprised of a single lower post and single upper psot in which the upper post connecting means includes compression spring and damper and the lower post includes spring and damper supporting the left and right foot supports above the foot supports and below the foot supports and further having a safety tether strap mounted to the handhold connecting means.

Species XIV: Fig. 16 of a pogo-ski comprised of a gliding board in the form of a snowboard with forward and aft shovels and having a central longitudinal groove in the boom gliding surface of the board, and lower post attaché to the board by lower post connecting means and where the upper post is telescopically connected with the lower post through a quick release

latch and where spring and damper are provided to support left and right foot supports and where the left and right foot supports are capable of vertical translational motion enabled by left and rack and pinion linking means engaging a common central pinion mounted on the lower post.

Species XV: Fig. 17 of a pogo-ski comprised of a gliding board and low post comprising left lower post and right lower post supports which lower posts each support in turn an upper post comprising left, center and right upper posts and left and right hand hold means and wherein the left and right foot supports each include boots an safety binding, where the twist grips can be used for steering control and/or braking control.

Species XVI: Fig. 18 of a pogo-ski comprised of a gliding board support in an A-shaped lower post which in turn supports an upper post through an upper post connecting means that includes a gas spring and damper to allow damped vertical motion of the handlebars relative to the board and further including hand control means in the form of hand actuated levers mounted on left and right handle bars for user deployment of plate-type surface engaging brake device at the aft end of the board and for deployment left a and right tines for altering steering of the board and wherein the left and right foot supports are connected to the left and right legs of the A-shaped lower post be means of a linking cable and pulley system mounted to the lower post.

Species XVII: Fig. 19 of a pogo-ski comprised of a wide-board, such as a snowboard, with edges at is lower side corners and a lower post comprising separate left and right lower posts connected to the board and where the lower posts each include a pneumatic tube to enable upward and downward driving motion with the left and right foot supports and wherein the left and right foot supports also comprise control input devices to deploy steering and braking

devices in the form of left and right drag rods selectively deployed to engage the gliding surface over which the board travels.

Species XVIII: Fig. 20 of a pogo-ski comprised of a ski board supporting a single lower post in which the lower post supports and upper post, the upper post in turn supporting handhold means including left and right drop handlebars, and wherein the left and right foot supports are permitted to move up and down in tracks in the lower post and are connected by a looping linking cable that loops around a top pulley and a bottom pulley, and wherein the pulley may incorporate spring torques as well as torsional damping and together provide translation motion linking means for reciprocal upward and downward translational motion of the foot supports along the lower post , and wherein the foot supports each include toe clips to adjustably connect the foot supports to different size shoes/boots of users, and wherein the foot supports also include pitch-axis hinge means permitting pitch-axis rotation of the foot supports and further include hinge means providing roll-axis rotation of the foot supports.

Species XIV: Fig 21 of a pogo-ski comprised of a gliding board supporting a lower post connecting means which supports in turn supports and upper post through upper post connecting means, wherein the upper post in turn supports handhold means including left and right hand hold means through handhold connection means and wherein the left and right foot supports are connected to the lower post through a universal joint and wherein the foot support connecting means comprise left and right sides of a single substantially rigid rod supported at it center by the universal joint and wherein the left and right foot supports have connecting means enabling roll-axis rotation of the foot supports and further wherein the left and right foot supports have connecting means enabling yaw-axis rotation of the left and right foot supports and further in

which the foot supports may be replaced by foot supports having two-degree-of-freedom joints and may in still further variants the foot supports may be replace by single-degree-of-freedom joints with just one rotation possible from pitch, roll, and yaw degrees of freedom.

Figure 22 is consider to be generic to Species I, II, IV, VII, IX-XIII, and XV-XIV.

Figures 23 and 24A, 24B are consider to be generic to all disclosed species.

2. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, and 78-80 are considered to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

3. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

5. Any inquiry concerning this or earlier communication(s) from the examiner should be directed to Gerald B. Klebe at 571-272-6695; Mon.-Fri., 8:00 AM - 4:30 PM ET, or to Supervisory Patent Examiner Christopher P. Ellis, Art Unit 3618, at 571-272-6914.

Official correspondence should be sent to the following TC 3600 Official number as follows: 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gbklebe / Art Unit 3618 / 30 September 2005

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